

UNCLASSIFIED

2

acquittal -- is not conducted in a court of justice, or even by the judge-colonel; it is conducted in the barracks by military intelligence and by officers who rank lower than the judge, under direct orders from the commanding officer of the regiment in which they are serving. This officer thus becomes the real judge and jury. (Pages 5-6)

Judge considers that there is sufficient proof against the suspect, he is arraigned and bound over for trial and possible sentencing... The military judges of instruction who have replaced the civilian judges are not by and large trained lawyers and, according to one source, have abdicated what responsibilities they have to the police and military units charged with the investigation of "crimes against the nation".

(76 MVD A-44)

This statement is basically correct.

3. The Commission for the Respect of Individual Rights of the Council of State has been attributed the functions of the legislative power (Decree 464/73) -- as a monitoring agency for the violations of the rights of man -- but it has proved to be totally inefficient in its task, and its appointed president recently resigned. (Page 6)

4. When an order of the military courts for release is issued, it is often not carried out, and many of the prisoners are transferred back to the military barracks while a new, painful investigation starts. In other cases, after the sentences have been served, prisoners may be sent to another prison, where they are held at

The charge that many prisoners are not freed when they complete their terms is well-founded in some cases, but not in others. Precise data are not available. MVD-2919) Some 200 of the approximately total (of 2,000 people imprisoned on charges of subversion) are "at the disposition of the Executive", apparently people considered so dangerous that they are not formally charged

UNCLASSIFIED

UNCLASSIFIED

3

the disposition of the Executive Branch and notified that they will be set free only if they agree to leave the country. (Page 6)

[REDACTED] or processed for trial... We have reported over the years that with the exception of the most dangerous, including key terrorists (see item 14), those charged with subversion are arrested, convicted, serve their time and are released. The GOU announced on September 3, 1976 that it had ordered the following releases of person who had been processed for seditious offenses since the onset of the GOU anti-subversion campaign in 1972: unconditionally freed, 1020; freed prior to completion of sentence, 134; held under emergency security measures and opting to leave the country in accordance with constitutional right, 192; foreigners deported, 13. (76 MVD 3314)

5. Even the minor guarantees allowed within the highly restricted Uruguayan legal system are not implemented by the present military apparatus. Examples include: Uninterrupted application of Article 168, No. 17 of the Constitution -- emergency legislation which allows administrative arrest in cases of "internal turmoil or

[REDACTED] Those Uruguayans accused of ordinary civil and criminal violations still continue to enjoy the guarantees spelled out in the Constitution against arbitrary arrest and detention. (Articles 12, 15) But those suspected of terrorism, subversion, or other "crimes against the nation" are now subject to the Medidas Prentas de Seguridad, which in effect suspended

UNCLASSIFIED

UNCLASSIFIED

external aggression"; charges of contempt against the reputation of the Armed Forces (MPC Article 58) with sentences from 18 months to six years; allegations of subversive association (six to eight years) and of different degrees of assistance to subversive organizations. (Pages 6-7)

4

Article 15 of the Constitution. Most arrests appear to be based on well-founded information that some illegal activity has taken place. In some cases, nevertheless, the law one is suspected of violating might be considered a violation of a human right. For example, criticizing the Armed Forces is a crime under Article 58 of the Military Penal Code and people have been arrested for doing so. To our knowledge, this Article is not applied on a widespread basis, but could lend itself to abuse by the authorities. (76 MVD A-19)

AI STATEMENT

PRISON CONDITIONS

6. The treatment which the political prisoners receive in the jails is not uniform; it differs according to establishments which are under the jurisdiction of the Armed Forces and those which are under police jurisdiction. In the latter and in the jail at Central Police Headquarters, the treatment is much more humane, more rational. (page 8)

EMBASSY INFORMATION

This statement is basically correct insofar as initial detention facilities are concerned. (See item below on Libertad and Punta de Rieles prisons, which are run by the Armed Forces and in which treatment appears to be good.)

UNCLASSIFIED

UNCLASSIFIED

5

7. It can safely be said that the worst conditions of all pre-[redacted] vail in the Military Units, both in the capital and the interior of the country. There the prisoners are left completely at the mercy of the military hierarchy and lack even minimal guarantees and comforts.

[redacted] As far as the Embassy has been able to determine, there has been no serious lack of "basic necessities" for detainees, and families are generally permitted to furnish some needs periodically, such as clean clothes, etc. (76 MVD 753). We neither have, nor can obtain, accurate general information regarding the extent of mistreatment and other abuses of prisoners taken on subversive charges (76 MVD 2919). See 76 MVD 2778 and 76 MVD 2919 on two cases on which the Embassy has been able to obtain information.

8. In other military establishments such as Punta de Rieles (for women, 14 kilometers from Montevideo) and Libertad (for men, 50 kilometers from Montevideo) the regime is characterized by an inhuman severity, by constant persecution, by continual sanctions. (page 8)

[redacted] A cross-section of Asian, European, Middle Eastern and Latin American Ambassadors accepted a GOU invitation in June 1976 to visit La Libertad and Punta de Rieles prisons, Uruguay's principal detention centers for subversives. They went in two groups, a week apart. They were, in general, favorably impressed with the physical facilities at both prisons and with the physical aspect of the prisoners themselves. DefAtt was also favorably impressed with what he saw on a visit by military attaches to the same prisons last May (76 MVD 2854). A consensus among the Ambassadors indicated they were allowed to see what they wanted at both of the prisons without restrictions, and were free to ask questions of any prisoner.

(76 MVD 2854)

UNCLASSIFIED

UNCLASSIFIED

6

DefAtt said that at Libertad visits by spouses are permitted, prisoners are allowed to play soccer, there is a commissary or canteen for the use of prisoners that sells such items as food and cigarettes, and a library (11,000) volumes, is operated by the prisoners themselves ... an educational system offers courses for the prisoners and movies are shown. His one adverse comment was that there is a lack of adequate heating facilities ... and that it is "cold". (76 MVD 2919) For further details on conditions at La Libertad and at Punta de Rieles, see 76 MVD 2854, 76 MVD 2901, 76 MVD 2919 and 76 MVD 2924.

9. While the ages vary from minors to the elderly and infirm, (b) A particularly well informed Western European Ambassador who visited both prisons gave us a copy of his report which contained the following information as of June 17 on Punta Rieles and Libertad prisoners: Libertad - ... the average age of the prisoners is 27 and 80 percent are university graduates or students. Punta Rieles - ... Most of these, also, are professional people or university students. (76 MVD 2901) The Embassy otherwise has no detailed breakdown on the people detained by the GOU on charges of terrorism, subversion, and other "crimes against the nation". Nevertheless, we do not believe that the vast majority belong to

UNCLASSIFIED

UNCLASSIFIED

7

and non-violent political factions, including the right-center parties, Christian Democrats, Socialists, Populists, various left-wing organizations and Communists. (page 9)

Constitutionalist, non-violent, right center or Christian Democratic parties.

10. The brutality towards detainees, both those held in prison and those who do not even get to a detention center, became pronouncedly worse following the assassination in 1974 in Paris of Col. Ramon TRABAL, former head of the Military Intelligence ... In supposed retaliation for this assassination and with the intention of preventing further assassinations of military leaders, Tupamaros in prison are treated as hostages, being kept in abominable conditions. (page 9)

The Embassy has no precise information to draw on to support or contradict this charge. We believe that retaliation for the assassination came in the form of five killings (see 11 below). However, there is no evidence that Tupamaros are treated as hostages in abominable conditions. In fact, most are in La Libertad where they are treated reasonably well (see 8 above).

11. ... Some detainees do not reach actual detention. The bodies of five young Uruguayans (three women and two men) who were alleged to have had connections with the Tupamaros were found 65 km from Montevideo with clear signs of torture. (page 10)

This presumably refers to the following: On December 20, 1974, five persons, three of whom had previously served sentences for Tupamaro activity, were killed by machine gun fire on the outskirts of Montevideo. Although no hard evidence is available to us, we believe that in the emotionally charged atmosphere just hours after the murder of Army Col. Ramon Trabal in Paris on Dec 19, a military officer or group of officers decided to kill these people who had apparently been arrested by Argentine authorities and sent to Uruguay for questioning. It is known that after the incident at least

UNCLASSIFIED

UNCLASSIFIED

8

two of the four division commanders warned their officers and troops that they would not tolerate such killings.

(75 MVD A-23)

We have checked both Embassy reports at the time and a clandestine flier which made a number of accusations about the killings. None of the documents made mention of torture. Thus, we find no basis to support the accusation that there were "clear signs of torture".

UNCLASSIFIED

UNCLASSIFIED

9

SECOND SUPPLEMENT (Dated January 1976)
[REDACTED] to the
INTERNATIONAL COMMISSION OF JURISTS' REPORT ON URUGUAY OF JUNE 17, 1974

ICJ Statement

Embassy Information

Treatment Given to Detainees Arrested for Political Offenses or Reasons

12. Arrests continue to be effected anonymously by police or [REDACTED] In the normal course of their duties, police and Armed Forces personnel are uniformed. Some arrests are made by plain-clothes officers, a practice followed by police elsewhere. According to Embassy information the members of the Fuerzas Conjuntas which have been given the chief responsibility among Uruguayan security forces in combatting subversion, are supposed to identify themselves as such when making arrests. Whether or not they always follow this procedure is difficult to determine. (76 MVD 1343)
- Article 15 of the Uruguayan Constitution, which provides for arrest by a "written order of a competent judge based on reasonable grounds" was, in effect, suspended by the Medidas Prentas de Seguridad for those persons accused of terrorism, subversion or other "crimes against the nation". (76 MVD A-19)

13. No information is provided to the detainee's relatives or [REDACTED] The mission believes that abusive excesses and physical torture lawyers as to where he is being kept, neither are they when they occur, are not consistent with GOU policy and are not informed of the charges, if any, made against him. Detainees knowingly sanctioned by the highest GOU officials. Methods of

UNCLASSIFIED

UNCLASSIFIED

10

are kept in solitary confinement during prolonged periods, sometimes lasting for several months. It is during these periods that the most serious cases of torture occur. (page 1)

The regime is becoming increasingly severe in its detention centers. Lack of food and the absence of health care have been reported in a number of such places. (page 1)

arrest and interrogation, plus delay in notification to families, do constitute psychological abuse and instill fear which in some cases may produce physical consequences. This applies, of course, to security operations only. (76 MVD-753)

As far as the Embassy has been able to determine, there has been no serious lack of "basic necessities" for detainees, and families are generally permitted to furnish some needs periodically such as changes of clothing. The AI-IJC original survey of 1974, based on prison visits, found conditions generally acceptable. (76 MVD 753)

14. In several cases, persons already tried or having served their sentences for three years have been secretly transferred to army units to be subjected to torture again ... a small group of them composed of Tupamaro leaders have been kept in solitary confinement in different army barracks under extremely severe conditions for the last two and one half years. (page 1)

The charges lack specificity (names, when and where the alleged instances occurred, units involved) and the Embassy has no solid information to draw on to support or contradict them. However, we are quite sure that MLN leader Raul SENDIC and a number of others are moved from one army unit to another or are in small detention centers in the interior. We have no information that they have been tortured.

UNCLASSIFIED

UNCLASSIFIED

11

15. Habeas corpus continues to be ineffective. (page 2)

(U) The rights of a person to habeas corpus or similar judicial proceedings, which finds its legal expression in Article 17 of the Uruguayan Constitution, have been suspended for persons accused of terrorism, subversion, and other "crimes against the nation". (76 MVD A-19)

16. As for the rights of legal defense, lawyers are being faced with diminishing possibilities of action in respect of political prisoners ... the right every detainee should have to communicate freely and in private with his lawyer is severely restricted or simply non-existent. (page 2)

Law 14.493 of December 29, 1975 extended the jurisdiction of military courts to cover the trial and punishment as well as the pre-trial investigation and arraignment of people accused of terrorism, subversion and "other crimes against the nation" (76 MVD 1343). There is a problem of access of such persons to a lawyer during the stage of pre-trial investigation. Such persons are often held incommunicado for long periods of time. At the other stages of the judicial process, the problem is not so much one of access as the fact that the role of lawyers in defending such persons has been circumscribed by the turning over of these stages to a military court system manned by military judges not trained in the law and reportedly often hostile to civilian lawyers ... There are preliminary indications that the role of defense lawyers has (now) been reduced to a decorative one. (76 MVD 2778; 76 MVD A-44)

UNCLASSIFIED

UNCLASSIFIED

12

17 Massive Arrests of Political Suspects

On at least three occasions, massive and simultaneous raids were conducted with all the characteristics of a military operation. (page 2)

(1) The first took place the week before May Day ... homes, union premises, etc. were searched, leading in all to the arrest of 1,500 people, including many trade union leaders. The official reason, given through "military communiques", was that action had been taken in order to prevent acts of disruption which certain "anti-national" union and political groups intended to commit on the occasion of May Day. (page 2)

(2) In April (1975), the army arrested 1,800 workers of the Salto Grande hydro-electric dam ... This massive arrest took place following a meeting to discuss possible action to back workers' grievances concerning salaries and working conditions, at the moment when the workers were leaving the meeting place. (page 2)

In late April security forces temporarily detained several hundred workers at the Salto Grande hydroelectric project after they had attended a labor meeting. The workers were held briefly while a search was made for a half dozen Argentine "agitators", who were dismissed and returned to the Argentine side of the river. (75 MVD 3470; 76 MVD 1343)

There were some arrests prior to May Day 1975 (75 MVD 3425). However, knowledgeable trade union sources told us the number was not large. The charge that "about 1500 people including many trade union leaders" were detained is in our view an exaggeration. The arrests made were aimed at heading off communist attempts to foment anti-government demonstrations.

UNCLASSIFIED

UNCLASSIFIED

13

(3) In the course of a series of combined proceedings, mostly carried out with violence at night by unidentified plainclothes men, some 300 people were arrested in the latter part of October and beginning of November and were kept in secret places; their families and lawyers were unsuccessful in all their efforts to find out where they were being detained and why they had been arrested ... Only a few of them have so far been set free. (pages 2-3)

The "combined proceedings" mentioned in the ICJ report were, according to the GOU, for the purpose of dismantling the Uruguayan Communist Party (PCU) military apparatus of the/ and wide publicity has been given to the reason for the arrests. For the most part, arrests appear to have been made of persons actively involved in militant, clandestine communist organizations. The operations uncovered large quantities of arms as well. (75 MVD 4417) BEGIN Some 60 of the PCU members detained had been released by early 1976 and others were continuing to be released. End (76 MVD 753)

State of Education

18. Early in 1975, after a military search of the Federation of Secondary Education Teachers, several leaders of that Federation and of the Uruguay School Teachers' Federation were arrested... Later, under a decree of 16 April 1975, the government decided to dissolve the Federation of Secondary Education Teachers and all its branches throughout the country, to close its headquarters and premises and to confiscate all its property and valuables, including bank accounts and deposits. (page 3)

The Federation of Secondary Education Teachers, a communist group, was raided and closed. Ostensibly a union, its self-proclaimed leaders were acting politically and were not arrested for legitimate union activities. (76 MVD 1343)

UNCLASSIFIED

UNCLASSIFIED

19. In July 1975, on the occasion of the first anniversary of death of a young teacher during her detention in army premises as a consequence ... of brutal torture, students at her (former school) remembered her by bringing flowers to school... Dozens of students (of an average age of 14) were arrested and gaoled in solitary confinement for several days. (page 3)

Situation of the Press

20. Quite simply, there is no freedom of the press... Only the press showing allegiance to the government is allowed to function freely. Other publications which have adopted a critical stand are inhibited from expressing their views for fear of being closed down and having their editors jailed. (pages 3-4)

14

- (U) The Embassy has no information to support or contradict these charges.

The statement that publications which have adopted a critical stand are inhibited from expressing their views for fear of being closed down is basically correct. Nevertheless, some veiled criticism of GOU policies appears in major newspapers from time to time. (76 MVD 1343) The GOU does not contend that there is - nor is there - unlimited freedom of opinion and expression. Direct media criticism of the GOU is almost non-existent and expression of Marxist and extremist philosophies is not tolerated. However, veiled criticism/does appear from time to time in editorials or other articles. The Government contends that these measures are necessary for national security reasons following a period of political and economic deterioration. (76 MVD A-19)

UNCLASSIFIED

UNCLASSIFIED

15

(U) On December 1, 1973, the GOU ordered the closing of the Communist Party's newspapers, El Popular and Cronica. It has also ordered the closing or temporary suspension of other newspapers and magazines. (76 MVD A-19) For other information see the category labeled "Expression" in 75 MVD A-23, 75 MVD 3470 and 76 MVD 490.

21. The Roman Catholic "Vispera" (was closed) in April 1975... (U) The Catholic Vispera was closed. (75 MVD 3425) The newspaper On 6 May 1975 ... (El Dia) was closed for the reason - stated El Dia was closed for one day for the reasons stated in the in the government decree which imposed the sanction - that it ICJ statement. (76 MVD 1343) had been said in the paper that the exercise of the right of strike was "regulated by decree and in a severe manner". The government deemed this to be an abuse, since the regulation was actually made under "emergency measures" provisions. (pages 3-4)

Situation of the Roman Catholic Church

22. On October 11. (1975), a pastoral letter by the Uruguayan Episcopal Conference was subjected to government censorship ... the Home Ministry prohibited its publication and when, as a courtesy, copies were given in advance to the Presidential Palace, military authorities and most Ministers ...

UNCLASSIFIED

UNCLASSIFIED

16

forbade the clergy to read it in the churches ... The conflict was eventually settled and the pastoral letter was allowed to be read, subject to certain paragraphs being censored and deleted, including those which called for national concord and suggested "an amnesty, which should be as broad as possible within reasonable limits." (page 4)

The Armed Forces Joint Staff (ESMACO) replied with its own version of what the pastoral letter should say ... The initial objection to certain parts of the pastoral letter came from the Ministry of the Interior. Particularly objectionable to the Ministry was the apparent call for an amnesty (this did not appear in the final version). ... Orders were given by the Ministry to prevent the reading in churches of the letter should attempts be made to do so.... A comparison of the original letter and the official letter that finally came out on November 23, 1975, shows few, but significant changes.

(75 MVD A-157)

23. In November (1975) the government expelled four Dominican nuns from the country, three of whom were Argentinians and one Chilean, for alleged political activities. (page 4)

(U) The Embassy has no information to support or contradict these statements.

UNCLASSIFIED

UNCLASSIFIED

17

A Crusade Against Culture

24. Already in 1974 military operations had been conducted against bookshops, and books "following a marxist line" had been destroyed. Such was the case of "Pueblos Unidos" booksellers and publishers established in 1943... This firm and two other bookshops - "Nativa" and "Anteo" -- suffered first temporary closures and then were finally closed down in August 1975. The same thing happened to the printing firm "Comunidad del Sur". (pages 4-5)

(U) In a decree issued on October 14, 1975, the GOU ordered the closing of the Montevideo publishing house Editorial Pueblos Unidos (EPU), claiming that it was a front organization for the Uruguayan Communist Party (PCU) and had become a main distribution center for South America of Communist propaganda material coming from the USSR and Eastern Bloc countries. The decree also ordered the seizure of all company property and the freezing of any funds it might have on deposit at any local bank. (76 MVD 490) The Embassy has no information on the bookshops and the other printing firm listed. (76 MVD 1343)

25. On 16 May 1975, Fernando BOSCH, new Director of Secondary Education, distributed to all schools within his purview Circular 1376/75, ordering school authorities to eliminate from school libraries all books, magazines, journals, newspapers, brochures, gramophone records and the like whose contents "did not conform to the fundamental principles of the nation, particularly when they followed a Marxist line". (page 5)

(U) The Embassy has no information on this subject but it is true that Marxist material would be excluded from schools. (76 MVD 1343)

UNCLASSIFIED

UNCLASSIFIED

18

26. A government decree of 6 June 1975 provides that the post() The statement is basically correct. With respect to persons suspected of terrorism, subversion, and other crimes against the nation, GOU practice under the present Medidas Prontas de Seguridad, limits their guarantees with respect to correspondence. (76 MVD 1343)
27. [REDACTED] office shall confiscate all "marxist and antidemocratic" correspondence, be it books, newspapers, magazines, documents, or any sort of printed matter, as well as photographs, films, gramophone records, tapes, etc.... it authorizes by an administrative act the censorship of personal mail in open contravention of Article 28 of the Uruguayan Constitution. Moreover, it conflicts with the provisions of the Penal Code (violation of correspondence). (page 5)

Confiscation of Property

27. "No one shall be punished with the confiscation of property for political reasons" (Uruguayan Constitution, Article 14). Detainees' relatives and lawyers have frequently reported the absence of valuables and other property following military or police action and that motor vehicles, and even houses, apartments and farms owned by the detainees were being made use of by military personnel. (page 3)
28. Under Law No. 14.373 of 13 May 1975 confiscation of property / The Embassy's translation of Law 14.373 reads "temporary was authorized for political offences in dangerously general attachment" instead of "provisional seizure". The new law terms. It provides for the "provisional seizure" of any property, whether movable or real, that "has been or may be" The Embassy has no information to either confirm or deny these allegations. (76 MVD 1343)
- Penal Code's Article 105 which provides for the confiscation

UNCLASSIFIED

UNCLASSIFIED

19

have been used as a means, proper or improper, direct or indirect, for preparing, concerting, proposing or executing crimes or offenses, falling within the purview of the Law of State Security and Internal Order... The goods or estates are seized by the officers in charge, who report to the military judge investigating the case; he then grants custody of them to a military or police unit, either the one dealing with the case or any other he may deem appropriate. (page 5)

of the fruits of the crime and the instruments with which it was executed... In the first instance, those goods that the military or police unit in charge of the operation are in need of or that can be useful to it can be assigned to it for such temporary attachment... (This) would appear to be subject to abuse since the decree does not make clear whether there is a time limit of sixty days or otherwise on such use... Those movable, immovable or semi-movable goods destined for use in the "crime" or used in the crime itself can be confiscated outright and can be used directly by the government itself.

(76 MVD A-17)

29. (Law No 14.373) has furthermore a retroactive effect in so far as it provides that "property seized before the present law came into force" will be devoted to covering expenses incurred in the maintenance of political prisoners. (pages 5-6)

/It is arguable that the section of the law on this does not have so much a "retroactive effect" as it does a provision for the disposition of property already in the GOU's hands. (76 MVD 1343) The concept of using the proceeds of those goods that are auctioned off to feed, clothe, house and guard the prisoner during his detention is apparently well-founded in Uruguayan laws, the chief effect of which is to make the criminal pay for the effects of his crime (including his prosecution and the serving of a possible sentence) instead of having the whole cost fall on the state and innocent taxpayers. (76 MVD A-17)

UNCLASSIFIED

UNCLASSIFIED

20

30. By providing that seizure of property takes place on the [REDACTED] commencement of proceedings, without waiting for the verdict establishing guilt or innocence, it conflicts with the Penal Code, under which confiscation of objects used for committing a crime or property illegally obtained as a result of the crime may be authorized only after the charge has been fully proved. (Penal Code, Article 105.) (page 6)

[REDACTED] Article 105 of the Ordinary Penal Code itself provides for the "preventive embargo" of the goods of the accused. But it should be remembered that this law is not based on Article 105 of the Ordinary Penal Code and it is not intended to affect Uruguayans in general. Instead it is applicable to those Uruguayans whose actions (terrorism, subversion, and other "crimes against the nation") fall under the purview of the "Law of State Security and Internal Order". (76 MVD 1343)

31. The procedure established by the new law has been applied [REDACTED] to confiscate and hand over to the police and military forces premises said to have been used for meetings of members of a subversive organization, the premises in question being the building where the railway workers' union had its headquarters, another housing the headquarters of the building workers' union, and another containing the offices and printing works of "El Popular", a daily paper, as well as property and assets belonging to the Secondary School Teachers' Federation and property and assets belonging to political parties and to students' organizations which were declared illegal.

(page 6)

[REDACTED] The statement in this section appears to be basically correct with respect to the use by the GOU of the offices and printing works of El Popular, which was one of the Uruguayan Communist Party papers closed down by government decree on December 1, 1973. The Embassy has no information on the other premises mentioned.

UNCLASSIFIED

UNCLASSIFIED

21

Extension of Military Penal Jurisdiction Bill

32. In November 1975 the Executive submitted a Bill to the Council of State designed to extend further the jurisdiction of military courts in the case of political offences. It states that all political cases will now be subject to the military jurisdiction, whatever was the date of the offence. (page 6)
- (U) In December 1975 the Council of State approved Law 14.493 extending the jurisdiction of military courts to cover the trial and sentencing of people accused of terrorism, subversion and other "crimes against the nation" under Article 60 of the Military Penal Code, no matter when committed. The law also has the effect of placing under military jurisdiction all persons on trial before a civilian judge for such crimes, providing that final judgment had not been rendered. (76 MYD 1343)
33. Political suspects arrested after 10 July 1972 were made subject to the jurisdiction of military courts under the Law on the Security of the State (though the constitutionality of this law has been seriously questioned). Those arrested in the period 15 April 10 July 1972 have also been tried and judged by military courts on the mere basis of a declaration of "internal state of war", an institution not provided for by the Uruguayan Constitution. (page 6)
- The military courts had previously been given the responsibility for the pre-trial investigation and arraignment of people having committed "crimes against the nation" in the Law of State Security and Internal Order. As pointed out in the April/May 1974 ICJ/AI report on Uruguay, the constitutionality of the law was called into question by a number of distinguished constitutional and penal lawyers, but on April 5, 1974, the Uruguayan Supreme Court of Justice upheld the validity of the law. It is true that a "state of internal war" is not explicitly provided for in the Uruguayan Constitution. However, the President, in declaring a "state of internal war"

UNCLASSIFIED

UNCLASSIFIED

acted under Article 168 (11c) of the Uruguayan Constitution and in accordance with a resolution of Congress, which in turn acted under Article 85 (7) of the Uruguayan Constitution. (76 MVD 1343)

34. Under (Law 14.493), even persons alleged to have committed offences prior to 15 April 1972 will be tried by military courts under the Military Procedure Code. Cases which have already been started in the civilian jurisdiction will be transferred to the military courts, whatever stage they have reached, providing sentence has not yet been passed. The new law will, therefore, (a) make military courts competent retroactively to try offences committed prior to 15 April 1972; (b) attempt to give a cloak of legality to these proceedings under trial by the military courts in consequence of the Declaration of an internal state of war. (page 6)

35. The passing of Law 14.493 is a clear indication of a considerable backlog in the courts where proceedings concerning those arrested before April 1972 have not yet been completed. Furthermore, the text of the law contravenes the provisions

/The first and second sentences are basically correct with respect to the offenses of terrorism, subversion and other "crimes against the nation". Article 1 of 14.493 does state that those crimes typified by those falling under Article 60 of the MPC are exclusively under military jurisdiction, regardless of the date of their commission. Part (a) of the third sentence is thus basically correct. With respect to part (b) of the third sentence, the GOU does not now have to resort to the former declaration of a state of internal war as it has both the Law of State Security and Internal Order and the Medidas Prentas de Seguridad as the basis for legal proceedings against persons accused of terrorism, subversion and "crimes against the nation". (76 MVD 1343)

The conclusion stated in the first sentence may well be true, insofar as a backlog does exist; but it is a backlog that probably exists more for the said crimes committed after than before April 15, 1972.

UNCLASSIFIED

UNCLASSIFIED

23

[REDACTED]

of Article 8 of the American Convention on Human Rights (San José) signed in November 1969 by 12 States, including Uruguay (which has not yet come into force due to the fact that so far it has only been ratified by two states). Article 8(1), referring to minimum judicial guarantees to be assured to any prosecuted person, provides inter alia for the right of any such person to be judged by a competent, independent and impartial judge or court, formerly established by the law. (pages 6-7)

36. Finally, Law 14.493 will suspend the "visita de cárceles y de causas" for the whole of 1976 as far as political offenders are concerned. This institution... enables the Supreme Court of Justice twice a year... to review all current proceedings and where they think proper, to release prisoners conditionally or terminate the proceedings on the grounds of insufficient evidence. (page 7)

As for Article 8 of the American Convention on Human Rights, the section does state that it has not yet come into force and it would not necessarily be applicable in any case due to the extraordinary nature of the crimes in question (terrorism, subversion, and other "crimes against the nation") which affect the integrity of the state. (76 MVD 1343)

[REDACTED] This section appears to be basically correct, although our information indicates that releases for insufficient evidence or based on conditions of "provisional liberty" continue.

(76 MVD 1343)

UNCLASSIFIED

UNCLASSIFIED

24

Freedom of Association

37. Freedom of association and assembly continues to be severely restricted. No political activities may take place... Since the decree of 28 November 1973 dissolving and outlawing 14 political parties and groups and student unions, all political activities have been repressed. (page 7)

On December 1, 1973, the GOU dissolved the Communist Party of Uruguay, the Socialist Party and twelve other Marxist political groups and student associations. The dissolution decree authorized the confiscation of these organizations' goods and the closing of their places of business. Other major political party headquarters remained open and retained elected officials until September 1976. Since that time political party activities have been repressed. (76 MVD A-19)

38. Political activities on behalf of a political group which has not been dissolved are punishable with an indefinite period of detention under "emergency security measures". (page 7)

There is no truth as far as the Embassy can determine to the allegation that political activities on behalf of a political group which has not been dissolved are punishable with an indefinite period of detention under the Medidas Prontas de Seguridad. The latter authorizes the arrest of persons presumably involved in subversive activities, but its operative sections say nothing about parties. (76 MVD 1343)

39. Restrictions on freedom of association apply even to professional bodies. Under an order of the Minister of the Interior, lists of candidates for elections to their directing boards or councils must be submitted in advance to the Minister. restriction on holding office in an organization. The

UNCLASSIFIED

UNCLASSIFIED

25

On 14 October 1975 the Minister ordered the Uruguayan Association of Notaries to refer back to police headquarters their list of candidates for their Board of Directors "in order that candidates having an ideological background incompatible with the democratic system (sic) be deleted from the said lists". (page 7)

is
intent/to keep communists from positions of authority.
Nevertheless, some unions, at least, have held elections in which known communists ran for office. (76 MVD 1343)

NOTE: General Comment on ICJ Report

(LOU) The entire ICJ report projects the image of a lawless system trampling the rights of the citizenry. That image is not an accurate portrayal even though some abuses have occurred. Now that subversion and terrorist activity have basically been controlled, the GOU is moving to make more lenient the laws dealing with subversives. On December 21, a law reducing minimum sentences for two crimes associated with subversion and punishable under the Military Penal Code was passed by the Council of State (76 MVD 4909). If implemented, hundreds of prisoners could be released if the time they have served exceeds the new minimum (the Joint Staff is already preparing a list of such prisoners). The law is significant also in that the accused could be freed on bail while awaiting trial. The Council of State also has pending a bill, sponsored by the Executive, designed to limit the application of emergency security measures by providing for due process and for greater protection of persons who might pose a threat to national security or to public order but who have not actually committed crimes against the state (76 MVD 4087). The President expressly told the Ambassador that the law would underwrite a benign attitude and treatment toward a broad spectrum of security cases with the specific intent of releasing people from prison, particularly women.

UNCLASSIFIED

UNCLASSIFIED

26

ALLEGED DEATHS OF PEOPLE UNDER TORTURE IN URUGUAY

ACCORDING TO AI PAMPHLET "TORTURED TO DEATH IN URUGUAY: 22 KNOWN CASES" ISSUED IN JANUARY 1976

Embassy Information (Based on 76 MVD 750)

AI Version (Abridged)

40. Name

a Luis Carlos BATALLA
Died: May 25, 1972

Batalla, a 32-year-old building worker and father of two, was a Christian Democrat and active member of the Frente Amplio. He was arrested on May 20, 1972 and died five days later in a military barracks. He was being interrogated in an attempt to extract names of persons in the MLN. The Minister of Defense admitted to the Chamber of Deputies that his death had occurred under "abnormal circumstances". His was the first and last death under torture to be officially admitted.

b Edison MARIN
Died: June 3, 1972

An agricultural worker and member of the MLN, he died at a military barracks after severe torture after being recaptured after a prison break. (The version contradicts itself by also stating that he died at the Military Hospital where he was being held incommunicado.)

c Hector Lorenzo JURADO
AVELLANEDA
Died: July 15, 1972

He was a Methodist priest who died at the Military Hospital a few days after arrest. Autopsy not made public but, according to reports, revealed numerous signs of ill treatment in addition to a bullet injury and a cutting wound. The official communique said that he had committed suicide with a knife at the moment of capture.

d Carlos ALVARIZA
Died: July 23, 1972

He was a 38-year-old medical doctor and the father of three. A member of the MLN, he was arrested on June 5, 1972. He was subjected to severe torture and thrown from the roof of the building where he was being held. The official communique claimed he had tried to escape and had fallen from a height of four meters.

(U) According to the local press, on July 6 1972, the subject was involved in the killing of two Joint Forces officials. The Embassy has no information on the arrest or subsequent disposition of the subject by the authorities.

/According to the April 14, 1972 El Pais, subject was one of 10 common criminals who escaped from prison on April 12 with 14 members of the Tupamaros. [redacted] subject was married 40 years old and had been tried and convicted of homicide; he was recaptured in June 1972. We have no further information.

A Baptist minister and delegate of the Socialist Movement. He had travelled to Cuba as a delegate from the Frente Amplio. [redacted] he was arrested on July 9, 1972, and died of a bullet and self-inflicted wounds. On 15 July 1972, Ahora reported that subject had died in a military hospital.

[redacted] The subject was head of an MLN surgical team; he was arrested on July 24, 1972, tried to escape and died in the attempt.

UNCLASSIFIED

UNCLASSIFIED

e Roberto GOMENSORO
Died: March 12, 1973

27

He was a 23-year-old student of agronomy and a member of the Federation of Uruguayan University Students and the Frente Amplio. He was arrested on March 11, 1973 by a military patrol and the next day it was claimed that he had escaped. His wife obtained, in April 1974, a death certificate dated shortly after the arrest. The body was never traced.

(U) The Embassy has no information on the subject.

f Oscar Felipe FERNANDEZ
MENDIETA
Died: May 25, 1973

(U)

He was an agricultural worker and a member of the Communist Revolutionary Party. He died in custody at a military barracks in Durazno. The military doctors certified that he had died of a heart attack, but could not explain the numerous marks and bruises all over his body.

The subject was arrested according to Joint Forces Communiqué 868 (dtd July 12, 1973). According to JFC 832 (date unknown) subject died while in military custody in Durazno.

g Gerardo ALTER
Died: August 22, 1973

A 27-year-old Argentinian and a member of the ERP, he was arrested by the military along with ARTECHE (see below) and taken to a military barracks. It was officially announced that both had died in an armed confrontation but the official death certificate said "acute lung edema", a contradiction which "suggests" torture. There was no indication a gun battle ever took place.

subject was killed in August 1973 in an Army raid on the Cerro district. He was an Argentine suspected of being with the ERP. He carried false documents.

h Walter Hugo ARTECHE
Died: August 22, 1973

He was a 27-year-old militant of the MLN. Arrested by the military along with ALTER and died under torture. (see above)

he was killed in an Army raid on the Cerro district on August 19, 1973, probably in the same involving ALTER.

i Hugo Leonardo DE LOS SANTOS
MENDOZA
Died: September 1973

A student of agronomy, he was arrested and interrogated by the military for suspected connections with the MLN. He died under torture. The case was taken to the courts where an autopsy proved that he had not died of lung oedema, as listed in the death certificate, but of fractures. The body was covered with signs of severe beatings, mutilations and electric shocks.

subject had been an MLN member since 1971. He was arrested Sept. 1, 1973. He died September 3, 1973 at a military unit while awaiting trial.

UNCLASSIFIED

UNCLASSIFIED

28

j GILBERTO GOWLAND
(or COCHLAN)
Died: December 19, 1973

Worker and left-wing militant, he was allegedly tortured in five or six different military units. Near to death, he was taken to the Military Hospital where he died after a few hours.

According to La Mañana on October 30, 1971, the subject was arrested in connection with the kidnapping of the chief editor of El Dia. [redacted] subject was freed by the courts on April 4, 1972 from Punta Carretas. He was arraigned for subversive association in December 1973. He was imprisoned as of February 6, 1974.

k Aldo PERRINI GUALA
Died: March 5, 1974

He was a 34-year-old grocer in the town of Carmelo and the father of two. He was arrested on Feb. 26, 1974 for interrogation concerning suspected connections with the MLN. He died under military custody in the town of Colonia, apparently while being subjected to the "submarine".

(U) The Embassy has no information on the subject

l Laura RAGGIO (20 years old)
Silvia REYES (19 years old)
Died: April 21, 1974

Students and MLN militants, they were arrested during a house search in Montevideo. Another girl, Diana MAIDANIK, received 35 shots when she opened the door. Neighbors saw Raggio, Reyes and two men being carried away by security men. Next day the bodies of the two girls were delivered to the families showing signs of torture in addition to bullet wounds.

[redacted] the GOU and press and wire service reports they were killed in a shootout in which one policeman was killed and two Army officers wounded, one seriously.

m. Alberto BLANCO
Died: May 12, 1974

(U) /See item immediately above.

He was captured together with the above. On May 12, relatives were informed that he had died during an armed confrontation with the military. The funeral personnel who prepared the burial said the body had no legs. The relatives were reportedly made to sign a promise not to open his coffin.

n Nibya SABALSAGARAY
Died: June 29, 1974

A 24-year-old teacher and member of the Young Communist Union (UCJ). She was arrested in Montevideo on June 29, 1974 and taken to a military unit where she died after being subjected to the "dry submarine", a method of suffocation with a plastic bag over the head. Only ten hours after her arrest, relatives were informed that she had "committed suicide".

(U) /The Embassy has no information on the subject besides the fact that she was engaged in activities of and was an officer of the UCJ. The PCU paper, Carta Semanal, reported July 4, 1974 that the subject had been killed by the military.

UNCLASSIFIED

UNCLASSIFIED

o Anselmo GARCIA
Died: August 12, 1974

p Horacio MUJICA
Died: November 1974

q Ivan MORALES
Died: November 22, 1974

r Amelia LAVAGNA DE TIZZE
Died: April 29, 1975

s Alvaro BALBI
Died: July 30, 1975

Bankworker and trade union leader twice arrested and tortured. When released he travelled to Buenos Aires and died as a consequence of the severe torture.

Young militant of the MLN, he died in a private clinic, "reportedly" as a consequence of the delicate state of health resulting from torture received during detention earlier the same year.

A 26-year-old father of three, he was arrested by plainclothes personnel on November 20. Two days later the body was delivered to a mortuary agency with a notice that he had committed suicide. Witnesses during the funeral services could see signs of disfigurement and torture.

Her husband was arrested on April 27, 1975 in Manantiales. She herself was arrested the next day and, according to official information, poisoned herself during the house search and died. Her daughter and son-in-law were arrested a few days later and, along with her husband (who is "reported" to have attempted suicide), are still detained in military barracks.

A 32-year-old medical student, employed in business, a father of four children and a member of the PCU. Arrested with others in Montevideo on July 29, he was taken to a "known torture center" on Calle Maldonado. His body was delivered to his family two days later with the official explanation that he had suffered an asthma attack. However, the signs of torture were evident and there are indications he died under the "submarine" torture. His father, Mr. Selmar BALBI, a former member of the PCU, had filed a complaint in civil court but the case was transferred to military jurisdiction which "suggests" an attempt to silence the case.

29

Worker and MIR/PCU cell member arrested in June 1973. We have no further information.

subject was a member of the MLN. According to Joint Forces Communiqué 687 (dated December 29, 1972) subject was arraigned (charges unknown). We have no further information.

The Embassy has no information on subject.

subject was a member of the Tupamaros. We have no further information.

the AI account is basically correct. Normally reliable media told Emboffs that a police patrol had come upon Balbi painting political slogans on a wall. When he ran, he was shot, later dying of the gunshot wounds. The Embassy believes that in this particular case, credence should be lent to the AI account.

of the Central Committee of

UNCLASSIFIED

UNCLASSIFIED

30

t Carlos LOACHAGA
Died: September 26, 1975

A 63-year-old doctor in Mercedes and a member of the Frente Amplio, he was arrested on July 10, 1975. The severe torture that he suffered at the hands of the "Montevideo political police" aggravated his already serious health condition (paralysis of half his body) and he died in a public hospital under military guard.

(u) [REDACTED] Embassy has no information on the subject. There is no such thing as the "Montevideo political police".

u Pedro Ricardo LERENA
MARTINEZ
Died: September 29, 1975

A 33-year-old former public employee and father of two, he is reported to have been one of the founding members of the MIN. He was arrested on May 25 during a roundup by the Armed Forces. He was kept incommunicado and his body was delivered to his family on September 29 with a notice that he had strangled himself. In spite of the prohibition to open the coffin, relatives found severe burns on his body, two hands fractured, and the head bandaged. He had lost 20-30 kilos in weight and showed no signs of strangulation.

[REDACTED] subject was found hanged in his jail cell. According to other Embassy sources, Larena died in military custody and it is possible that he died during and as a result of interrogation.

(Two more names of people allegedly tortured to death were added to the list in the AI press conference on the Campaign Against Torture in Uruguay on February 19, 1976)

v Argenta ESTABLE
Died: December 17, 1975

(u) Argenta Estable, aged 64, died in a military hospital on 17 December 1975 as the result of treatment he received at the second department of the National Directorate of Information and Intelligence and at the Third Infantry Barracks.

(u) The Embassy has no information on the subject.

w Julian LOPEZ
Died: January 7, 1976

Julian Lopez was arrested on 31 December and died after torture on 7 January 1976. His body was delivered to his family in a closed coffin. The family was forbidden an autopsy and not allowed to open the coffin.

(U)

The Embassy has no information on the subject.

UNCLASSIFIED

UNCLASSIFIED

31

ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS IN URUGUAY

ACCORDING TO THE RAMSAY CLARK STATEMENT IN

AMNESTY INTERNATIONAL PRESS CONFERENCE OF FEBRUARY 19, 1976

AI STATEMENT

41. (Uruguay) could point with pride to a long constitutional tradition... This has changed with unbelievable rapidity. It is evidenced in the "Tortured to Death in Uruguay" list which Amnesty International is releasing today, a compilation of 22 persons whose deaths at the hands of official Uruguayan torturers from May 1972 through November 1975 have been documented.

Embassy Information

() (see 40 above) The charge that 22 people died under torture from May 1972 through November 1975 cannot be confirmed by our best information, nor can we confirm in fact that all of them died. Our information does indicate, however, that the majority of those named did die in one way or another; in some cases probably or possibly during interrogation, and in others, in circumstances of conflict with authorities. (76 MVD 753) About a dozen persons (see 76 MVD 750 for details) had died while under detention in the past three years. We believe that half of these people, probably, died as a result of torture applied with intent to extract information, but nonetheless caused deaths. We have no information on which to render a firm judgment except for those six persons believed to have been killed in on the others/ (76 MVD 2776) in direct armed confrontation with security forces. In our view this is a gross exaggeration as to the number of people who might make up AI's figure and a distortion as to their description as "political prisoners". Those

42. Amnesty International estimates that today there are nearly 6,000 political prisoners in Uruguay.

UNCLASSIFIED

UNCLASSIFIED

32

referred to by AI must be persons held as terrorists, subversives or for other "crimes against the nation". The great majority of these, in our view, cannot be viewed as "political prisoners"... (76 MVD 753) Reliable information from several sources in a position to know indicates that between 1800-2000 subversives are now imprisoned. According to diplomats who recently visited prisons, La Libertad, the detention center for male subversives, had in June a prison population of 1325. At the same time Punta de Fieles, the detention center for female subversives, had a prison population of 198. The other 300-500 prisoners are scattered in other small detention centers or under the control of military units. (76 MVD 2778)

43. Since 1972 approximately one out of every 50 citizens has suffered interrogation, temporary arrest or imprisonment.

The charge that since 1972 approximately one out of every 50 citizens has suffered interrogation, temporary arrest or imprisonment seems, on the basis of rational judgment, to be hardly likely or even/possible even though we have no figures to draw on. If the AI charges were true, it would mean that about 56,000 people (of a 2.8 million population) suffered such treatment since 1972. We do not believe a number even approximating that could have been so processed.

(76 MVD 753)

UNCLASSIFIED

UNCLASSIFIED

33

44. The political prisoners in Uruguay ... are held in overcrowded prisons, police stations and military barracks, often lacking the most basic necessities.

It is probably true that many places of detention are "overcrowded". There was at least in late 1975 believed to have been a strain on existing facilities, particularly those for initial or temporary detention. As far as the Embassy has been able to determine, there has been no serious lack of "basic necessities" for detainees, and families are generally permitted to furnish some needs periodically, such as clean clothes, etc. AI's original survey in 1974, based on prison visits, found conditions generally acceptable.

(76 MVD 753)

45. The legal rights (of Uruguayans) are trampled upon by an omnipresent military judicial system.

(U) If the charge that the rights of Uruguayans are trampled upon by an "omnipresent military judicial system" is intended, as it seems to be, to convey the impression that this is a coercive police state, it is false. Uruguayans enjoy the same basic legal rights they always had when they are accused of ordinary crimes which are still tried in civil courts. Those Uruguayans who are accused of terrorism, subversion, and other "crimes against the nation" now fall under military jurisdiction. (76 MVD 753)

UNCLASSIFIED

UNCLASSIFIED

34

46. Trade union rights have been totally suppressed.

The statement that trade union rights have been "totally suppressed" is untrue. It would, however, be more accurate to say they have been "partly suppressed". The National Workers Convention (CNT), dominated by the Communist Party, was dissolved by government decree and individual Communist unions are indeed prohibited, for the most part, from representing their members. Some 63,000 workers are represented by non-Communist unions which, depending upon their trade union expertise, are able to function within certain restrictions. (76 MVD 753) Also, see 76 MVD 753 for conclusions of an ILO team that conducted an on-site investigation between June 20 and July 1, 1975, regarding charges that trade unionists have been unjustly deprived of their freedom: "These detentions, frequent in 1973, declined in 1974 and 1975 and at the moment of the visit of the Director General's representative, no leader or activist of the majority of the organizations interviewed was found to be detained for union activities."

47. Amnesty International is concerned with these gross and consistent violations of human rights ... in particular the widespread and systematic use of torture, as documented

We do not believe that AI's "carefully authenticated materials" prove the charge that there is "widespread and systematic use of torture," or that torture and murder

UNCLASSIFIED

UNCLASSIFIED

35

in the carefully authenticated materials which are being released today... We do not deny the right of governments to govern, but we do denounce any government that denies the right of its citizens to be free from torture and officially sanctioned murder.

are "officially sanctioned". We believe that abusive excesses and physical torture when it occurs are not consistent with GOU policy and are not knowingly sanctioned or condoned by the highest GOU officials. Methods of arrest and interrogation, plus delay in notification of families, etc., do, we believe, constitute psychological abuse and instill fear which in some cases may produce physical consequences. This applies, of course, to security operations only, as explicit constitutional safeguards and traditional legal guarantees still remain valid and operative for the vast majority of Uruguayans and for civil offenders. (76 MVD 753)

48. The purpose of this massive human rights campaign is to bring to light and to end the horror and terror that have come to permeate a nation once renowned as a model of democracy.

Although the 1975 drive against members of the PCU associated with its newly discovered military apparatus was probably accompanied by an increase in violations as described, the Embassy still believes that the overall trend in Uruguay is toward improvement as compared with the situation several years ago. Thus we strongly differ with AI's statement that horror and terror "have come to permeate a nation..."

UNCLASSIFIED

UNCLASSIFIED

36

Such words in no way justly portray the quality of life in Uruguay today or the relationship of the vast majority of Uruguayans toward their government or their attitudes toward it.

UNCLASSIFIED

UNCLASSIFIED

37

MAY - JUNE 1976 LEGISLATIVE UPDATE, LATIN AMERICA
OF THE WASHINGTON OFFICE ON LATIN AMERICA (WOLA)

WOLA Statement

Embassy Information

49. It is clear that the abduction and execution of the two outstanding Uruguayan parliamentarians and human rights advocates (a reference to Zelmar MICHELINI and Hector GUTIERREZ Ruiz) was carried out officially by the Argentine government. Equally obvious is the complicity of the Uruguayan Government, which instigated and ordered the assassination of its principal adversaries. (page 1)

50. Evidence of serious splits existing at the time within the Uruguayan Government and the increasing political isolation of President Bordaberry, suggest that the latter may well have decided to eliminate major opposition leaders at just the right moment. (page 1)

(U) Neither Guttierrez nor Michelini was a factor in Bordaberry's situation prior to his leaving the Presidency. Neither was related to the splits which occurred, or to the political isolation of the President, all of which was reported extensively by the Embassy. WOLA's view is a gratuitous, loosely-made assumption which no one familiar with the political realities of Bordaberry's ouster would make. (76 MVD 3095)

UNCLASSIFIED

UNCLASSIFIED

38

51. ... For months the Uruguayans had been issuing communiques (U) We are not aware of any such series of communiques. An arrest order for Gutierrez was issued publicly in September 1973 and reference made to him in a communique issued after his death. These are the only two in the course of three years of which we are aware. There may have been one in the past against Michelini, but we do not have it recorded here as our bio files on both men were sent to the Department following their deaths, as required by the FAM. (76 MVD 3095)

52. While the emotional shock caused by the death of Michelini (U) The deaths had no relationship to Bordaberry's ouster. and Gutierrez Ruiz there was undoubtedly the factor which precipitated Bordaberry's downfall... (page 2)

53. (Speaking of 12 bodies found in the River Plate area) "...at (U) We know of no case in which an Uruguayan has been identified least several have been identified as Uruguayans who had or, in fact, that any of the bodies were identified. disappeared following their arrest in Uruguay or Argentina. (76 MVD 3095). (page 3)

UNCLASSIFIED

UNCLASSIFIED

39

JULY 27, 1976 WEINSTEIN TESTIMONY BEFORE FRASER SUBCOMMITTEE

HEARINGS ON HUMAN RIGHTS SITUATION IN URUGUAY

Weinstein

54. Recent reports indicate that 30 Uruguayans, who were abducted last week are still missing; there is an ominous story circulating in Europe this morning that 20 bodies have been found, so that the killing of Michelini and Gutierrez has apparently not ended.

55. ... Uruguay finds itself ranked number one in the world in terms of per capita proportion of prisoners charged with political offense:

Embassy Information

These Uruguayans were not killed and no bodies found; 28 of the 30 were among the PVP members charged with terrorism by the GOU publicly in October. (76 MVD 4161)

(U) Even including those charged with subversion as political offenders, Uruguay has some 2,000 prisoners... We assume that Weinstein based his statement on often-heard charges that one of every 50 Uruguayans has been detained. If true, this would mean that 54,000 Uruguayans have been "charged with political offenses". There is no evidence to sustain such a charge. (76 MVD 3095)

56. ... (A) regime which defines subversion as disagreement with its policies.

(U) Subversion is defined by law in Uruguay as attempting to change the Constitution or the form of government by means of direct acts not permitted by public law. (76 MVD 3095)

UNCLASSIFIED

UNCLASSIFIED

40

57. (Speaking of Wilson Ferreira)... All his properties and holdings in Uruguay have been seized by the Uruguayan Government.

(U) Ferreira's properties were embargoed, not seized. Wilson Ferreira's son, Gonzalo, has been named interventor, i.e., responsible for the management of the properties (76 MVD 3095; 76 MVD 2760)

(U)

58. ... Massive arrests have taken place in Uruguay, late this fall, Weinstein refers to the roundup of Communist Party leaders and early this year. By massive I mean 800 people.

and members of its armed military apparatus. We believe about 450 were arrested in that roundup; many have since been released. (76 MVD 3095)

(U)

59. ... It is clear the arrests that have taken place in 1974, '75, and in '76 are arrests of moderate, and in some cases, even what one might call historical members of the Conservative Party - Conservative Blanco Party in Uruguay.

The entire thrust of the statement is erroneous in that it suggests that arrests have primarily involved Blanco Party members... Embassy officers are in touch with members of the Blanco Party directorate and with other prominent party figures on a continuing, almost weekly, basis. To the best of their recollection, the only party figures arrested since 1974 have been Party President Murdoch, and former Senator Mario Heber... and Wilson Ferreira's son, Juan, who was questioned briefly earlier in 1976 and promptly released. (76 MVD 3095). Murdoch subsequently returned to a government job. Heber and Ferreira were held very briefly and treated well.

UNCLASSIFIED

UNCLASSIFIED

59a. "...America has \$4 billion invested in Uruguay and has to be protective and the State Department merely protects U.S. business interests."

[REDACTED]

(U) U.S. investment in Uruguay totals an estimated \$90 - 100 million. (76 MVD 3095) 40(a)

UNCLASSIFIED

UNCLASSIFIED

41

MISCELLANEOUS CHARGES

60. From "Lawyers in Prison", an Amnesty International publication issued 21 August 1975 (repeated in 76 STATE A-462):

"Lawyers in countries like ... Uruguay ... were imprisoned because they exercised fundamental rights such as freedom of speech or freedom of association." As the one example of this the publication listed the following name:

José Servando ARRILLAGA Echeverría -

Aged 34; lawyer, lecturer at the National University of Uruguay, editor of Lucha Popular and member of Grupos de Accion Unificadora (GAU - Groups for Unifying Action), a legal organization until all political parties left of center were banned at the end of 1973; arrested April 1974 with 24 other GAU members allegedly responsible for an explosion in the Faculty of Engineering at the university which resulted in the death of a student who was also a GAU member; held under the Law of National Security which brings civilians under military justice and charged with "subversive association"; detained without trial probably in Penal de Punta Carretas,

Montevideo. (page 15)

██████████ Arrillaga was a journalist on Respuesta (affiliated with the leftist faction of the Colorado Party,

with a pro-Allende, anti-U.S. stance; closed permanently by a GOU decree on November 28, 1973). While he might have attended or graduated from the law school of the University of the Republic, there is no record of his practicing as a lawyer. He was a member of the GAU (an extreme Marxist-

Leninist organization that advocated the use of violence to accomplish revolutionary aims, with both legal-overt and illegal-covert components, which in time came to be considered more radical than the Uruguayan Communist Party and which was among 14 Marxist political groups and student associations dissolved by the GOU in December 1973). The subject was arrested in June of 1973, then released (date unknown) and was arrested again in 1974.

██████████ (76 MVD 1151) There is no pattern of imprisonment or any other mistreatment of lawyers in Uruguay. (76 MVD A-44)

UNCLASSIFIED

UNCLASSIFIED

42

61. From "The Position of Trade Unions and Academic

Institutions," an Amnesty International Briefing Paper

Prepared for the Uruguay Campaign (February-March 1976):

The National University in Uruguay remained firmly in

opposition to the present government, in which the military

have the effective power... Large scale expulsion of Uni-

versity staff took place; the depuration was formalized by

a decree which obliged all staff to swear an oath against

"marxism" and in defense of the present regime... The Uruguayan

University Students Federation (FEUU) has been severely

harassed; its leading cadres have been arrested (including

their Secretary General) or are in exile. (page 3)

Since its intervention of the University of the Republic,

the government has succeeded in restoring calm to what was

before a center of political activism. Partly as a reaction

to purges of the faculty by leftists in pre-intervention

days and partly as a result of seeking to repress elements

considered inimical to it, the government/purged leftist

and other politically unacceptable elements from the Uni-

versity. It has issued regulations severely limiting the

previous university autonomy and restricting the previous

flexibility in attendance at and graduation from the uni-

versity. It has limited enrollment, in certain faculties

with a view to tying the university more closely to national

developmental needs and to avoid graduating an excess of

unemployable professionals susceptible to frustration and

radicalization. It has opened a new University of the North

as part of its policy of decentralizing university functions.

The result has been an almost unnatural quiet on the part of

largely

a now/apolitical faculty and students, a quiet that does not

hide lingering resentment at what many consider high-

handed and heavy-handed handling by the GOU of university

affairs. (76 MVD A-99)

UNCLASSIFIED

UNCLASSIFIED

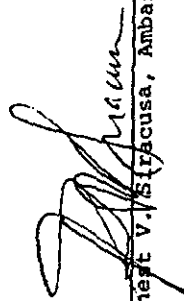
62 In his June 16 press conference in behalf of Amnesty International in New York as reported here, ex-Senator Wilson Ferreira alleged that Uruguay persecuted the Jews. (76 MVD 2291)

43

(U) The Israeli Embassy stated that there was no evidence of official persecution of Jews in Uruguay. The Consejo Central de Organizaciones Judías en el Uruguay (Central Council of Jewish Communities in Uruguay) also made known its repudiation of Ferreira's allegations and of his attempt to include the Jewish community in his campaign against Uruguay... The foregoing matches our own information and what we had been told by representatives of both B'nai Brith and HIAS who visited Uruguay during the past year. (76 MVD 2291)

During a period of general political uncertainty, the Jewish community in Uruguay appears to be convinced that this country still provides a secure and peaceful environment for the fulfillment of their aspirations. Jews, who here number some 40,000 persons, enjoy the same rights and suffer the same restrictions as do all other Uruguayans. (76 MVD A-75)

Exempt from General Declassification Schedule by


Ernest V. Siracusa, Ambassador

UNCLASSIFIED